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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,041	08/21/2001	Robert E. Sobol	10003818-1	7800

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EXAMINER

NGUYEN, PHU K

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 03/11/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

PA

Office Action Summary

Application No.

09/934,041

Applicant(s)

SOBOL, ROBERT E.

Examiner

Phu K. Nguyen

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (6,344,907).

As per claim 1, Watanabe teaches the claimed "system for enabling users to edit graphical images" (Watanabe, figure 2), comprising: "memory for storing graphical data" (Watanabe, memory 25); and "an image manager configured to render a first set of said graphical data based on a first setting of an editing parameter" (Watanabe, CPU 20), said first graphical data set defining a first image (Watanabe, figure 8, image AT), said image manager configured to render a second set of said graphical data based on a second setting of said editing parameter in response to a user input and to render a third set of said graphical data based on a third setting of said editing parameter in response to said user input, thereby enabling a user to comprehend, by visually comparing an image defined by said second graphical data set to an image defined by said third graphical data set, an effect of updating said editing parameter for said first image (Watanabe, column 10, lines 4-56). It is noted that Watanabe does not teach "said second setting different than said third setting". However, Watanabe's modification target areas (Watanabe, figures 11-16) displaying different modifications of an original image suggests the use of different settings for each modifications. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention

was made to configure Watanabe's system as claimed because the visual appearance of different modifications using different setting sets enhances the selection of the modification of the original image.

Claim 2 adds into claim 1 "said image manager is further configured to render data indicative of said first setting in response to said user input" which Watanabe teaches in the example of figure 14 of the eye modification.

Claim 3 adds into claim 1 "said image manager is further configured to enable a user to define a fourth setting of said editing parameter and to render a fourth set of said graphical data based on said fourth setting, and wherein said fourth graphical data set defines an image that corresponds to said first image" which Watanabe teaches in the multiple modifications of the original image (e.g., figure 8).

Claim 4 adds into claim 1 "each of said images defined respectively by said second and third graphical data sets corresponds to said first image" which Watanabe teaches in column 10, lines 4-56.

Claim 5 adds into claim 1 "said second and third settings are both different than said first setting" which Watanabe teaches in the modification images in figure 8

Claim 6 adds into claim 1 "said image manager is further configured to render, in

Art Unit: 2671

response to said user input, a positioning indicator movable along a path, said second setting corresponding to a location along said path and said third setting corresponding to another location along said path, wherein a position of said image defined by said second graphical data set corresponds to said second setting location, and wherein a position of said image defined by said third graphical data set corresponds to said third setting location" which would have been obvious because the setting values of modifications (e.g., figure 9) in Watanabe can be inputted by sliding along a path whose indicators go along with the modifications in an arbitrary manner.

Claim 7 adds into claim 1 "said image manager is further configured to render, in response to said user input, a positioning indicator movable along a path, said path having a first end and a second end, wherein said image manager is configured to position said image defined by said second graphical data set adjacent to said first end, and wherein said image manager is further configured to position said image defined by said third graphical data set adjacent to said second end" which would have been obvious because the setting values of modifications (e.g., figure 9) in Watanabe can be inputted by sliding along a path whose indicators go along with the modifications in an arbitrary manner.

Claim 8 adds into claim 7 "said image manager is configured to enable a user to define a fourth setting of said editing parameter and to render a fourth set of said graphical data based on said fourth setting, wherein said fourth graphical data set

Art Unit: 2671

defines an image that corresponds to said first image, and wherein said image manager is further configured to control said fourth setting based on a user input of moving said positioning indicator toward one of said ends” which would have been obvious because the multiple setting values of modifications (e.g., figure 9) in Watanabe can be inputted by sliding along a path whose indicators go along with the modifications at an arbitrary manner.

Claim 9 adds into claim 7 “said second setting corresponds to a location along said path that is closer to said first end than a location along said path that corresponds to said third setting” which would have been obvious because the setting values of modifications (e.g., figure 9) in Watanabe can be inputted by sliding along a path whose indicators go along with the modifications at an arbitrary manner.

As per claim 10, Watanabe teaches the claimed “system for enabling users to edit graphical images” (Watanabe, figure 2), comprising: “memory for storing graphical data” (Watanabe, memory 25); and “an image manager configured to render a first set of said graphical data based on a first setting of an editing parameter” (Watanabe, CPU 20), said image manager further configured to receive a user input and to render a graphical user interface in response to said user input (Watanabe, figure 8, image AT), said graphical user interface including a second image based on a second setting of said editing parameter and a third image based on a third setting of said editing parameter, thereby enabling a user to comprehend, by visually comparing said second

image to said third image, an effect of updating said editing parameter for said first image (Watanabe, column 10, lines 4-56). It is noted that Watanabe does not teaches "said second setting different than said third setting". However, Watanabe's modification target areas (Watanabe, figures 11-16) displaying different modifications of an original image suggests the use of different settings for each modifications. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure Watanabe's system as claimed because the visual appearance of different modifications using different setting sets enhances the selection of the modification of the original image.

Claim 11 adds into claim 10 "said graphical user interface enables a user to define a fourth setting of said editing parameter, and wherein said image manager is further configured to update said first image based on said fourth setting" which Watanabe teaches in the multiple modifications of the original image (e.g., figure 8).

Claim 12 adds into claim 10 "said graphical user interface further includes data indicative of said first setting" which Watanabe teaches in figure 8.

Claim 13 adds into claim 9 "each of said second and third images corresponds to said first image" which Watanabe teaches in column 10, lines 4-56.

Claim 14 adds into claim 10 "said graphical user interface further includes a

positioning indicator movable along a path, said second setting corresponding to a location along said path and said third setting corresponding to another location along said path, wherein a position of said second image corresponds to said second setting location, and wherein a position of said third image corresponds to said third setting location" which would have been obvious because the setting values of modifications (e.g., figure 9) in Watanabe can be inputted by sliding along a path whose indicators go along with the modifications in an arbitrary manner.

Claim 15 adds into claim 10 "said graphical user interface includes a positioning indicator movable along a path, said path having a first end and a second end, wherein said second image is positioned adjacent to said first end, and wherein said third image is positioned adjacent to said second end" which would have been obvious because the setting values of modifications (e.g., figure 9) in Watanabe can be inputted by sliding along a path whose indicators go along with the modifications in an arbitrary manner.

Claim 16 adds into claim 15 "said graphical user interface enables a user to define a fourth setting of said editing parameter, wherein said image manager is further configured to update said first image based on said fourth setting, and wherein said image manager is configured to control said fourth setting based on a user input of moving said positioning indicator toward one of said ends" which would have been obvious because the multiple setting values of modifications (e.g., figure 9) in Watanabe can be inputted by sliding along a path whose indicators go along with the modifications

Art Unit: 2671

at an arbitrary manner.

Claim 17 adds into claim 15 "said second setting corresponds to a location along said path that is closer to said first end than a location along said path that corresponds to said third setting" which would have been obvious because the setting values of modifications (e.g., figure 9) in Watanabe can be inputted by sliding along a path whose indicators go along with the modifications at an arbitrary manner.

Claims 18-32 claim a method based on the system of claims 1-17; therefore, they are rejected under a similar reason.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (703)305 - 9796. The examiner can normally be reached on M-F 8:00-4:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2671

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen
March 6, 2004

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